

# EXHIBIT A

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

15 EPIDEMIC SOUND, AB,

16 CASE NO. 3:22-cv-04223-JSC

17 Plaintiff,

18 vs.  
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21  
**META’S ADDITIONAL STATEMENT IN  
SUPPORT OF META’S PORTION OF THE  
JOINT STATEMENT RE DISCOVERY  
DISPUTE - RIGHTS MANAGER DATA. (DKT.  
NO. 170)**

22 META PLATFORMS, INC., f/k/a  
23 FACEBOOK, INC.,

24 Defendants.  
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The Honorable Jacqueline Scott Corley

1       The recently produced document submitted by Epidemic Sound, AB (“Epidemic”) under  
 2 the guise of an Administrative Motion to Consider Whether to File Under Seal Newly Produced  
 3 Documents unremarkably provides that, at a commercial partner’s request, Meta Platforms, Inc.  
 4 (“Meta”) can export limited information to that commercial partner. But the Court should not  
 5 accept Epidemic’s invitation to overread the term “export.” The export referenced in the document  
 6 produced by Meta concerns only a list of present Rights Manager conflicts requiring that partner’s  
 7 resolution—the same present conflicts information Epidemic has had directly available to it  
 8 throughout the course of this litigation. *See* Dkt. No. 170 at 3 n.8.

9       To be clear, the limited data export referenced in Epidemic’s improper “reply” submission  
 10 is not the “full export” discussed in the parties’ Joint Statement Re Discovery Dispute - Rights  
 11 Manager Data (the “dispute”). Dkt. No. 170. That dispute concerns a much broader request for  
 12 data showing *all* user content and Audio Library tracks on Meta’s platform that have ever matched  
 13 or conflicted with Epidemic’s works, with follow-on requests for the dates that those works were  
 14 added and removed from the Audio Library, the dates and times those works were saved to a user’s  
 15 account, the identity of videos embodying those works that were created using Meta’s Reels Remix  
 16 or Original Audio tools, as well as a number of other data points , *all of which Meta is providing*  
 17 *for every asserted work in this case after a burdensome, monthslong collection. See* Meta’s  
 18 Updated Exhibit A, dated October 1, 2024, to Epidemic’s Interrogatories Nos. 7/9 and 8/10.

19       In all events, Epidemic’s submission cannot cure the fundamental Rule 26 problem with  
 20 Epidemic’s requested relief, which at the close of document discovery seeks information regarding  
 21 tens of thousands of tracks that Epidemic has never asserted in this case and is therefore outside  
 22 the scope of discovery. This is especially so given that Epidemic has had ongoing access to Meta’s  
 23 Rights Manager tool and the ability to directly investigate those tens of thousands of tracks during  
 24 the two years that this case has been pending, just as they did for the 900 tracks Epidemic  
 25 determined it had a Rule 11 basis to assert.

26       Rule 26(b)(1) does not permit discovery into claims and defenses that no party has asserted.  
 27 *See* Dkt. 70 at 4. But that is exactly what Epidemic is seeking at the eleventh hour—sweeping  
 28 discovery into tens of thousands of never-before-identified works that are not subject to claims of

1 infringement, each of which would require individualized discovery, proof, and defenses had  
2 Epidemic ever asserted them. Absent a Rule 11 pleading from Epidemic, there is no basis to know  
3 which, if any, of those tens of thousands of works could even plausibly support a claim that would  
4 warrant the immensely burdensome discovery Epidemic attempts to pursue here without basis.  
5 Meta has substantially completed its production of documents related to all of the claims and  
6 defenses currently before the Court; Epidemic's requested relief should be denied as a  
7 paradigmatic fishing expedition.

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10 Dated: October 7, 2024

11 /s/ Brittany N. Lovejoy  
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